UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

ELLEN JOHNSTON PLAINTIFF(S)

VS. CIVIL ACTION NO. 2:07-cv-00042-WAP-EMB

ONE AMERICA PRODUCTIONS, INC., ET AL. DEFENDANT(S)

REVISED
RULE 16.1(A) INITIAL ORDER

The above captioned cause is set for a **TELEPHONIC CASE MANAGEMENT CONFERENCE (CMC)** on October 23, 2007, at 11:00 AM before:

Magistrate Judge Bogen @662-335-9214

UNLESS OTHERWISE AGREED, IT SHALL BE THE RESPONSIBILITY OF COUNSEL FOR THE PLAINTIFF TO SET UP THE CONFERENCE CALL AT THE SCHEDULED TIME. THE MAGISTRATE JUDGE MAY REQUIRE COUNSEL AND THE PARTIES TO ATTEND THE CMC.

RULE 16.1(B)(1) ATTORNEY CONFERENCE

No later than twenty one (21) days prior to the CMC, counsel shall confer, either in person or telephonically, regarding the following matters, so as to comply with the requirements regarding Case Management Orders and Memoranda. (See next page).

1. Identify the principal factual and legal issues in dispute;

2. Discuss the principal evidentiary basis for claims and defenses;

3. Determine the differentiated case management case track, days required for trial, and whether the case should be considered for Alternative Dispute Resolution (ADR);

4. Discuss when voluntary disclosure of documents or other information should be made pursuant to Rule 26.1 [no later than fourteen (14) days after the attorney conference, Local Rule 16.1(B)(7)];

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5. Identify any motions whose early resolution would have significant impact on the scope of discovery or other aspects of the litigation;

6. Consistent with the case track recommendations, determine what additional discovery is required beyond the voluntary disclosures and initial depositions of the parties, with designated time limitations;

7. Discuss whether all parties consent to jurisdiction by a magistrate judge;

8. Discuss a time for the Local Rule 16.1(C) settlement conference;

9. Discuss settlement prospects fully with each other and their respective clients and represent to the Court that they have done so and communicate the costs of going through litigation and the appeal process with each's respective clients and represent to the Court that they have done so.

10. Discuss preparation of a proposed case management order . Scheduling deadlines based on the track designation should not be included in the proposed case management order. All deadlines shall be determined at the telephonic case management conference.

PROPOSED CASE MANAGEMENT ORDER
CONFIDENTIAL SETTLEMENT MEMORANDA

FOURTEEN *(14) days* ***PRIOR*** *to the Case Management Conference counsel shall submit to the Magistrate Judge a memorandum (3 page maximum) setting forth a brief explanation of the case and counsel's own* ***CANDID*** *appraisal of the claims or defenses, and the memorandum shall include good faith settlement estimates. By the same deadline counsel shall also submit to the Magistrate Judge a jointly proposed Case Management Order (CMO).*

The memoranda and proposed CMO shall be *sent to Magistrate Judge Bogen via E-MAIL to judge_bogen@msnd.uscourts.gov* (***NO FAXES***). The memoranda are **NOT** to be exchanged and will be viewed only by the Court. They will not become part of the record and will be destroyed upon resolution of the case.

CASE MANAGEMENT PLAN

At the conference, the Court and the parties shall:

1. Identify the principal factual and legal issues in dispute;

2. Identify the alternative dispute resolution procedure which counsel intend to use, or report specifically why no such procedure would assist in the resolution of the case;

3. Indicate whether all parties consent to jurisdiction by a magistrate judge;

4. Review the parties' compliance with their disclosure obligations and consider whether to order additional disclosures;

5. Determine whether to order early filing of any motions that might significantly affect the scope of discovery or other aspects of the litigation, and provide for the staged resolution, or bifurcation of issues for trial consistent with 42(b) Fed.R.Civ.P.;

6. Determine the plan for at least the first stage of discovery; impose limitations on each discovery tool, time periods and other appropriate matters;

7. Determine the date for the Local Rule 16.1(C) settlement conference or mediation;

8. Discuss scheduling and set appropriate scheduling deadlines including dates for settlement conference, completion of discovery, motions, final pretrial conference and trial.

CASE MANAGEMENT ORDER

A Case Management Order shall be entered by the Court within ten (10) days of the conference. A Uniform Case Management Order has been developed and is available on the Court web site at http://www.msnd.uscourts.gov/localrules/form1.pdf as Form No. 1 in the revised Uniform Local Rules, effective December 1, 2000. Counsel shall use that format in discussions and preparation.

Date: August 23, 2007.

/s/ E.M. Bogen
UNITED STATES MAGISTRATE JUDGE